



**Montana Fish,
Wildlife & Parks**

**DECISION NOTICE:
Kelly Island Fishing Access Site (FAS) Improvement Project**

*Montana Fish, Wildlife and Parks
Region 2 Office
3201 Spurgin Road, Missoula, MT 59804
Phone 406-542-5500*

DESCRIPTION OF PROPOSED PROJECT

The 706-acre Kelly Island Fishing Access Site (FAS) has been a popular recreational site since its acquisition by Montana Fish, Wildlife and Parks (FWP) in 1973. The FAS is located along the Clark Fork River one mile west of Missoula, Montana. The site provides recreational opportunities for fishing, boating, floating, hunting, picnicking, hiking, photography, and wildlife viewing. Heavy spring flows of the Clark Fork River have scoured and eroded the existing boat ramp and the erodible soils of the adjacent riverbanks at the Spurgin Road (southernmost) access to the FAS. As a result, boat launching has become difficult and riverbank erosion has contributed to the overall site deterioration. FWP proposes to construct a new concrete boat ramp, stabilize the adjacent riverbank, expand and improve the parking area, and add an interior loop road to improve boat launching and parking. In addition, FWP proposes to pave the access road to the FAS property boundary, loop road and parking areas in order to comply with Missoula County Ambient Air Quality Standards.

Alternative A: No Action

If no action was taken and the proposed improvements--consisting of a new concrete boat ramp, enlarged parking area, loop road, riverbank stabilization, and paved roads and parking areas--were not made, then public safety, resource and air quality degradation, and inadequate parking would continue to be issues at the southern Kelly Island FAS access. Public safety would continue to be an issue, as visitors would continue to be forced to launch boats and rafts from the eroded boat ramp, while the condition of the boat ramp would continue to deteriorate. Continued deterioration of the ramp could necessitate closing the boat ramp to help ensure public safety. Parking would continue to be inconvenient and inadequate, causing visitors to park along the FAS access road and nearby Lena Lane during peak times. Airborne dust would continue to be created by those driving on graveled surfaces, violating Missoula County's Ambient Air Quality Standards. As a state agency, FWP is required to comply with all federal, state and local laws and permitting requirements.

Alternative B: Proposed (Preferred) Action

In order to improve public safety and convenience and reduce resource and air quality degradation, FWP proposes to replace the existing boat ramp, expand and improve the parking areas to accommodate additional vehicles, construct a loop road to improve traffic flow, stabilize the riverbank adjacent to the boat ramp, and pave the access and loop roads and parking areas at the southern access to Kelly Island FAS. In order to ensure public safety, this FAS entrance (off Spurgin Road in Missoula) would be closed to the public during construction. All other Kelly Island FAS land and entrances would remain open to the public during construction.

PUBLIC REVIEW PROCESS

A Draft Environmental Assessment¹ (EA) for the proposed project was made available for public review and comment for a 30-day period from June 30, 2014 through July 29, 2014. Legal notices were published in the *Independent Record* (Helena, June 28 & 30) and *Missoulian* (June 28 & 30) newspapers. FWP distributed 20 copies of the EA and 32 email-notifications of the EA's availability to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review on FWP's web site (<http://fwp.mt.gov/>), under "Recent Public Notices" beginning June 30, and comments could be made directly on the EA's webpage. A statewide news release was also distributed June 30.

SUMMARY OF PUBLIC COMMENT

FWP received 7 comments during the 30-day comment period, representing 8 people. (See Appendix A for the text of all email and written communications received by the comment deadline for this EA.) Comments representing 3 people stated support for the proposal ("The plan looks great," and "We are looking forward to seeing this plan move forward"). Though not specifically stated, the comments of 3 other people seemed to indicate opposition to the proposal. One commenter appeared neutral, and one commenter only asked a question².

RESPONSE TO PUBLIC COMMENT

Some commenters shared concerns, suggested alternative or additional actions, and/or asked questions relating to the project. Comments requiring response are summarized below, along with FWP's responses.

Comment: Vegetation

Concern about retention and management of vegetation within the proposed road loop (Commenter 3).

FWP Response: FWP desires to retain as much vegetation within the proposed road loop as possible, recognizing the important role vegetation plays in site design and soil stabilization as well as providing habitat for wildlife. Careful detailed consideration was given to retaining large and small vegetation not only within the road loop, but throughout the entire project area.

Comment: Trail along the river

The [user-created riverside] trail along the south bank of the Clark Fork River, from within the FAS towards the Bitterroot/Clark Fork confluence, needs repair and maintenance; the river is eroding the bank below that trail. Unsure whether this would be included in the current proposal (Commenter 3).

FWP Response: FWP recognizes the importance of the riverside trail leading to the confluence and has spent many hours discussing various options for preserving it. Numerous on-site meetings have been held the last several years with FWP staff, consultants, neighboring landowners and other interested individuals to come up with practical options for retaining the trail. While much of this trail is on FWP property, the section of trail that is experiencing the most severe erosion is on private land. The private landowner has been generous and practical over the years in working

¹ Draft EA available (and accessed 15 October 2014) on FWP's website at:

http://fwp.mt.gov/news/publicNotices/environmentalAssessments/developmentImprovementsAndEnhancements/pn_0330.html

² This person asked for the location of the Attachments to the EA; he was directed to those attachments at the end of the EA document posted online on FWP's website.

with FWP in order to allow the public to continue to use the trail, including the portion that *crosses* private property. FWP wishes it could provide an immediate fix for the trail and make the trail restoration part of this particular FAS project, but FAS capital funding cannot be used to remedy or improve private property needs. However, the landowner and FWP remain optimistic that options to keep the trail open to the public can be worked out in a separate project using different funding sources.

Comment: Signage

Onsite sign needs updating with motor boat closure on the Bitterroot. Existing signs designating public and private land need to be redone; signs are old and not visible (Commenter 3).

FWP Response: The need for suitable updated signage, throughout Region 2 FAS sites, is a high priority recognized by FWP managers; budget limitations have prevented needed region-wide renovation, as large-size signing is extremely expensive. FWP will commit to installing updated large signing at this location as soon as possible after construction is completed. Also as part of this project, we will evaluate all existing signs at this Spurgin Road access to the FAS, to see what other signs need updating and/or refreshing.

Comment: Increased public and/or commercial use; increased area traffic

Improvements would directly support and encourage/increase commercial fishing guide services; improvements are to exclusively meet commercial business needs whose activities are in conflict with other recreational activities that make the FAS unique and a compliment to neighborhood and community. Increased business operations in community zoned as residential. Would have significant consequences to human environment surrounding the FAS; impact would have very detrimental effect on surrounding area. Further development would increase accidents and need for county sheriff patrols. Already conflict exists between fast-moving boat trailers and children, runners, bikers, etc. Existing site enhances the area, but construction project would promote development not consistent with the location. Better location would be existing Maclay Bridge area or the “new Third Street bridge project”³ (Commenter 4).

“... concern is regarding the increased use with improved site, a problem that is barely addressed in the EA. Here are just a few of the many obvious questions that are insufficiently addressed in the draft document. How much more use is predicted with an improved FAS? How will this increased use impact Kelly Island, the Clark Fork River, and the surrounding neighborhood? ... How will increased vehicle use (with boat trailers) impact Spurgin Rd or the safety of neighborhood children?” (Commenter 7)

FWP Response: Kelly Island FAS was constructed many years ago. Over time, the infrastructure (boat ramp, bank stabilization, etc.) has deteriorated. Additionally, with the population of the Missoula area increasing over the last several decades, parking availability has become inadequate at this access of the FAS. The proposed improvements would benefit all users of the site. It is not known whether an increase in use would occur as a result of the proposed construction. The project includes installation of low speed limit signs (5 mph) where currently none exist. Painted striping on a paved surface would create a more organized and controlled parking environment. Speed bumps could be installed if needed. Visibility would improve with the removal of some overgrown vegetation currently crowding the interior road.

³ May be referring to Montana Department of Transportation “Maclay Bridge Study” (river area roughly from south of Spurgin Road to south end of Humble Road); see MDT website at <http://www.mdt.mt.gov/pubinvolve/maclay/> Accessed 15 October 2014.

Comment: Bank erosion, natural flow and mobility of river

Bank erosion can be a desirable attribute of rivers, and natural flow regime is the standard for river conservation and restoration. Importance of protecting mobility space for river; no discussion on how active intervention (bank stabilization) will impact other scale-dependent river controls (Commenter 5)

FWP Response: FWP agrees that bank erosion and other natural river processes should be encouraged where possible, and this is generally FWP's approach in the overall Kelly Island FAS area (~706 acres) and whenever feasible at numerous other sites in the region. However, this would not seem prudent or acceptable at the proposed location within the FAS given: 1) the proposed project involves repair of a previously stabilized bank section at an established and developed site that has been in place for decades, and where a considerable public investment has been made; 2) there is limited space to provide both adequate public access and facilities and uncontrolled bank erosion; 3) private landowners immediately adjacent to the site (who would also be affected by lateral channel migration) would not willingly allow their land and infrastructure to be impacted by river migration; and 4) the existing importance of this site as a public access point on the edge of a major population center in Montana.

Protective river corridors (i.e., channel migration zones) for the middle Clark Fork and Missoula area have been evaluated and mapped in conjunction with Missoula County. Unlike many adjacent areas, locations such as the SE corner of Kelly Island and surrounding neighborhood are clearly not suitable for unrestricted channel migration, given existing infrastructure and developments. The braided Kelly Island complex is approximately 0.5-mile wide (or wider) at the project site location. Natural river processes and uninhibited channel movement are emphasized across this overall area, which is one of the widest and most intact floodplain complexes on the entire river system.

Comment: Unsurfaced and surfaced trail and/or parking

Recreational uses of unsurfaced trails can result in resource degradation (impact influenced by factors such as soil texture, topography, climate, trail design and maintenance, and type and amount of use). Loss of soil through erosion is generally considered significant and irreversible. The expansion and surfaced parking as well as the "commercial-level" boat ramp at the Kelly Site will increase both recreational use and its irreversible impact.

FWP Response: No new unsurfaced trails or roads are proposed in this project, and the boat ramp is being repaired and improved to handle existing public use--not so that it would become a "commercial-level" boat ramp. FWP acknowledges that expanding and paving the interior road and parking areas at the Spurgin access to Kelly Island FAS would be a long-term impact (maybe not irreversible per se) to the site. This portion of the overall FAS has been a public access for 35+ years, and there already exist long-term compaction and impacts due to the unsurfaced road and parking areas. FWP is proposing paving to reduce dust and impacts to local residents, help manage parking and land use, and reduce sediment delivery to the river. We believe this would fit into the surrounding residential area, because this FAS falls within the Missoula County Air Stagnation Zone and High Impact Zone, and paving would bring the FAS in line with Missoula County Ambient Air Quality Standards (whereby all new roads, driveways, and parking areas must be paved to prevent dust particles from becoming airborne). FWP believes that enlarging/paving the road/parking areas would be a small but insignificant increase in impact to the natural environment of the overall 706-acre site, and that positive project outcomes would offset any minor negative impacts.

Project mitigations to preserve the natural environment include riparian buffers and using vegetation as much as possible to stabilize river banks.

Comment: Bull trout

Presence of fish identification guide at FAS suggests concern over identification, harvest and mortality of the listed bull trout [listed as threatened under the federal Endangered Species Act]. No indication of how the increases in fisher numbers and fishing pressure will impact bull trout or other trout particularly during warm water closures.

FWP Response: FWP does not agree that repairing and improving existing facilities at an established, heavily used FAS would somehow impact bull trout mortality rates on a section of river where densities are extremely low (1-2 adults per mile, L. Knotek, FWP, pers. comm.), where fishing regulations prohibit intentional angling for bull trout, and where catch-and-release fishing is observed by more than 95% of anglers⁴. This concern would be more valid if the river reach affected by this FAS project included a tributary stream mouth or other river location where bull trout congregate, but this is not the case.

Comment: Gate at FAS entrance; FAS maintenance

The gate at the Spurgin Road access into the FAS has not been locked daily for 2 years; some use has been as late as 11 p.m., but have not noticed increased noise or parties in absence of locked gate. If project improvements increase traffic flow, then increased noise, late-night use, and parties could occur; if this happens, gate closing may need to be reconsidered and reinstituted (Commenter 6).

Will FWP have the resources for regular patrols to lock the gate, in order to curtail a already burgeoning problem with late-night use. Will FWP have the resources for more frequent maintenance of improved site? (Commenter 7)

FWP Response: FWP wishes to work cooperatively with its neighbors. Increasing patrols, gate locking, and restricting hours are all options FWP may consider if issues arise. This FAS is somewhat unique in its suburban location and FWP will commit to managing it for the betterment of all.

Comment: EA and its alternatives

There is opportunity for an "Option C"--pave and stabilize the area for streamside fishers, tubers, hikers, and birders. Also add bike racks to complement extensive bike trails in the area and these neighbor-friendly initiatives. Use the bulk of project funds to develop alternate locations where guide services can conduct business without operating in conflict with residentially zoned locations (Commenter 4).

There are no alternatives other than no action and the proposed full implementation, but there are reasonable alternatives in the middle. For example improve the boat ramp and stabilize the bank, but no further actions (Commenter 7).

FWP Response: FWP's FAS program provides access to Montana's waters--streams, rivers and lakes--for angling, boating, and related recreational activities. Day-use at these sites is free, and funding is primarily from the sale of sportsman's licenses, state motorboat registration fees, and federal Sport Fish Restoration fees⁵. Over the years, FASs are being used more and more by other "non-paying" user groups. At this particular site FWP has observed that the FAS has deteriorated over time and currently does not have sufficient parking for the existing number of users. There has been a popular boat ramp at this location for many years, and FWP does not want to take

⁴ FWP angling pressure surveys, <http://fwp.mt.gov/fishing/anglingPressureSurveys/> Accessed 18 October 2014.

⁵ See FWP's "Montana's Fishing Access Sites" (August 2013) guide: <http://fwp.mt.gov/fishing/guide/fasGuide.html> Accessed 18 October 2014.

opportunity away from the boating community. In planning (for now and the future), it makes sense to address suitable parking under this project.

DECISION

Based on the analysis in the Draft Environmental Assessment (EA), along with the public comments and the applicable laws, regulations and policies, it is my decision to proceed with the proposed action.

I have determined that the decision to proceed with the proposed action will not have a significant negative effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared. By notification of this Decision Notice, along with the clarifications noted within FWP's responses to comments, the draft EA is hereby made the final EA. The draft EA with Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the address on page 1. The EA is still available for review on FWP's web site (<http://fwp.mt.gov/>) under "Recent Public Notices" (enter "Kelly" in "Search Public Notices").

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, PO Box 200701, 1420 East 6th Avenue, Helena, MT 59620-0701.



Randy Arnold
Regional Supervisor

10-23-2014

Date